# MORRISON & FOERSTER LLP

Attorneys at Law 3811 Valley Centre Drive Suite 500 San Diego, California 92130-2332 Telephone: (858) 720-5100

Facsimile: (858) 720-5125

To: Examiner D. Blanchard - GAU 1642

Facsimile: 571-273-0827

U.S. Paten and Trademark Office

Telephone: 571-272-0827

From: Grace Ya for James J. Mullen, III, Ph.D.

Date:

May 4, 2004

We are transmitting a total of 12 pages (including this page). Original c: hard copy to follow if this box is checked  $\square$ .

If you do not receive all pages, please call (858) 720-7972 as soon as possible.

Preparer of this slip has confirmed that facsimile number given is correct: 10598/gly1

This facsimile cortains confidential information which may also be privileged. Unless you are the addressee (or authorized to rece ve for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise Mor ison & Foerster LLP immediately by telephone or facsimile and return it promptly by mail.

#### Comments:

ATTORNEY DOCKET:

511582006200

GROUP ART UNIT:

1642

**EXAMINER:** 

D. Blanchard

SERIAL NO.:

10/005,480

FILING DATE:

Novmeber 27, 2001

INVENTOR(S):

Pia M. CHALLITA-EID et al.

TITLE:

NUCLEIC ACID AND CORRESPONDING PROTEIN ENTITLED

161P2F10B USEFUL IN TREATMENT AND DETECTION OF

CANCER

## Papers Attached:

- 1. Transmitta Form (1 page)
- 2. Fee Transmittal + duplicate for fee processing (2 pages)
- 3. Preliminar Amendment (8 pages)

PTO/S6/Z1 (06-03)
Approved for use through 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE Under the Pape work Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 10/005,480 Flling Date TRANSMITTAL November 7, 2001 First Named Inventor FORM Pia M. CHALLITA-EID Art Unit 1642 (to L 3 used for all correspondence after initial filing) Examiner Name D. Blanchard Attorney Docket Number 12 511582006200 Total Number of Pages in This Submission ENCLOSURES (Check all that apply) After Allowance Communication Fee Ti ansmittal Form + duplicate Drawing(s) X for fee processing (2 pages) to Group Appeal Communication to Board of ee Attached Licensing-related Papers Appeals and Interferences Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) x | Amen: ment/Reply (8 pages) Petition Petition to Convert to a Proprietary Information After Final Provisional Application Power of Attorney, Revocation Status Letter (ffidavits/declaration(s) Change of Correspondence Address Other Enclosure(s) (please Terminal Disclaimer Exten: ion of Time Request Identify below); Facsimile Coversheet (1 page) Expre- s Abandonment Request Request for Refund CD, Number of CD(s) Inform ation Disclosure Statement Certified Copy of Priority Docur lent(s) Remarks Response to Missing Parts/ Incomplete Application Response to Missing Parts inder 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT MORRISON & FOERSTER LLP (Customer No. 25225) James J. Mullen, III, Ph.D. - 44,957 Individual n: me Signature I hereby or tify that this correspondence is being transmitted via facsimile to the attention of Examiner D. Blanchard with the U.S. Patent and Trademark Office. Group Art Unit 1642, at fax number (571) 273-0627, on the date shown below. Signeture: \_ (Grace Yu)

PTO/SB/17 (10-03)

Approved for use through 7/31/2006. OMB 0531-0332
U.S. Petent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the F aperwork Raduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Complete if Known FEE TRANSMITTAL Application Number 10/005,480 Filing Date November 7, 2001 for FY 2004 Pia M. CHALLITA-EID First Named Inventor Effects: 10/01/2003, Patent fees are subject to annual revision. Examiner Name D. Blanchard X Appli ant claims small entity status. See 37 CFR 1.27 1642 Art Unit TOTAL AM JUNT OF PAYMENT Attorney Docket No. 511582006200 METH DD OF PAYMENT (check all that apply) FEE CALCULATION (continued) 3. ADDITIONAL FEES X Deposit Account: Large Entity Small Entity Deposit 03-1952 Fee Description (\$) Code (\$) Fee Paid 1051 130 2051 65 Surcharge - late filing fee or call Morrison & Foerster LLP Nama Surcharge - lets provisional filing fee or cover 1052 50 2052 The Director is authorized to; (check all that apply) X Charge fe (s) indicated below X Credit any overpayments 1053 130 1053 130 Non-English specification Cherge at viadditions) feets) or envianderpayment of feets) 1812 2.520 1812 2,520 For filing a request for ex parte reexamination Requesting publication of SIR prior to 1604 Charge for vis) indicated below, except for the filling fee Examiner ection 1805 1,840 Requesting publication of SIR after to the above-k entified deposit account 1805 1,840 FEE CALCULATION 1251 110 2251 55 Extension for reply within first month 1. BASIC FI LING FEE 1252 420 2252 210 Extension for raply within second month Large Entity 3mail Entity 1253 950 2253 475 Extension for reply within third month Fee Description Fee Paid 1254 1.480 2254 740 Extension for rapty within fourth month 1001 770 2001 385 Utility filing fee 1255 2,010 2255 1.005 Extension for reply within fifth month 1002 340 2002 170 Design filing foc 1401 330 2401 165 Notice of Appeal 1003 530 2003 265 Plant filing les 1402 330 155 Filing a brief in support of an appeal 2402 1004 770 2004 395 Raissup filing foa 1403 290 2403 145 Request for oral hearing 1005 160 2005 80 Provisional filing fee 1451 1451 1,510 Petition to institute a public use proceeding 1.510 1452 110 2452 55 Pelilian la revive - unavoidable SUBTOTAL (1) (5) 0,00 1453 1,330 2453 665 Petition to revive - unintentional 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE 1501 1.330 2501 665 Utility Issue fee (or reissue) Extra Fee from 1502 480 2502 240 Dealgn lasue fee Fee Pald Ckimu below Total Claims 32 -20\*\* = 12 9.00 108.00 1503 640 2503 320 Plant lasue fee Independent Claims 1450 8 -3\*\* 4 5 43.00 215.00 130 1450 130 Pelitions to the Commissioner Multiple Depend 1807 50 1507 145,00 Processing lee under 37 CFR 1.17(g) 1806 180 1 805 Large Entity Submission of Information Disclosure Stat : mall Entity Fee Lode Recording each patent assignment por Fee Description 8021 40 8021 121 Code (\$) property (times number of properties) Filing a submission after final rejection (37 CFR 1.129(a)) 1202 202 Claims In excess of 20 1809 770 2809 1201 201 86 43 Independent claims in excess of 3 For each additional invention to be 1810 770 2810 1203 290 203 145 · Multiple dependent claim, if not paid examined (37CFR 1,129(b)) Reissue independent claims 1204 86 : 204 43 1801 770 2801 385 Request for Continued Examination (RCE) over original patent Request for expedited examination 1902 900 1002 1205 Roissup claims in excess of 20 18 , 205 of a design application and over original patent Other fee (specify) SUBTOTAL (2) (\$) 323.00 SUBTOTAL (3) (5) Reduced by Basic Filing Fee Paid 0,00 "or number pr wiously paid, if greater; For Reissues, see above SUBMITTED B (Complete (if applicable)) Registration No. (Attorney/Agent) Name (Print/Ty) e) James J. Mallen, III, Ph.D. 44,957 Telephone (858) 720-7940 Signatur<del>e</del> Date May 4, 2004

Under the Paperwork Reduction Act of 1995, no necessary and re-	auined to	munos.	US.	Paleni :	and Tendon	wk Office.	te through 7/31/2006, Of		
		d to respond to a collection of information unless it displays a valid OMB control number  Complete if Known							
FEE TRANSMITTAL			Application Number				10/005,480		
for FY 2004			Filing Date				November 7, 2001		
Effec. Ve 10/01/2003, Patent less are subject to annual revision.			First Named Inventor			Pia M. CHALLITA-EID			
Effect ve 10/01/2003, Patent reas are subject to shinual revision.		Examiner Name				D. Blanchard			
X Ap; licant claims small entity sisius. Sec 37 CFR 1.27	7	Art Unit				1642	1642		
TOTAL AFIOUNT OF PAYMENT (\$) 323.00		Attorney Docket No.				51158	511582006200		
MET IOD OF PAYMENT (check all that apply)	T	FEE CALC				JLATION	JLATION (continued)		
Chack Credit Money Other None  X Depos i Account:									
Deposit Cepasit	Large Entity Small Entity								
Account 03-1952	Fee	Fee Fee Fee Fee Fee Peggription							
Deposit							·	Fee Paid	
Account Morrison & Foerster LLP	1051	130	2051	65	_		fee or oath		
The Director's authorized to: (check all that apply)	1052	50	2052	25	surcharge sheet,	u — 1819 Prov	risional filing fee or cover		
X Charge i re(a) Indicated below X Credit any overpayments	1053	130	1053	130	Non-Engl	ish specific:	ilion		
X Charge in additional fee(s) or any underpayment of fee(s)	1912	2,520	1812	2,520	For filing a	request for	ex parte reexamination	<del></del>	
Charge I re(a) indicated below, except for the filling fee	1804	920*	1604	920*	Requestin Examiner		n of SIR prior to		
to the above-dentified deposit account.	1805	1.840*	1605	1.640*	Requestin	g publicatio	n of SIR after		
FEE CALCULATION	1251	110	2251	55	Examiner	action	thin firel month		
1. BASIC I JUNG FEE	1252	420	2252	210			ting second month		
Large Entity Small Entity	1253	950	2253	475	Extension	for raply wil	hìn lhird month		
Fee Fee Fee Fee Fee Description Fee Paid Code (\$) Code (\$)	1254	1,480	2254	740	Extension	for reply wit	hin fourth month		
1001 770 2001 385 Utility filing fee	1255	2,010	2255	1.005	Extension	for reply wil	hin fiRh month		
1002 340 2002 170 Design filing fee	1401	330 330	2401		Notice of A	• •			
1004 770 2004 385 Reissus (ling fee	1403	290	2402			el in suppor r oral hearir	l of an appeal		
1005 160 2005 80 Provisional filing fee	1451	1,510	1451				ublic use proceeding		
SUBTOTAL (1) (\$) 0.00	1452	110	2452	55	Potition to	raviva – un:	aldebiavo		
	1453	1,330	2453			revive - unir			
2. EXTRA ::LAIM FEES FOR UTILITY AND REISSUE	1501	1,330	2501		•	fee (or reis	sue)		
Claims below Fee Patd  Total Claims 32 -20" = 12 x 9.00 = 109.00	1502	480 640	2502 2503		Design isat		Ļ		
Independent 5 43.00 = 235.00	1460	130	1460		Plant Issue Politions to	the Commi	ssigner		
Claims 2 2 3 1 45.00 2 275.00 Multiple Depen tent 145.00 = 0,00	1907	60	1907				7 CFR 1.17(q)		
Lerge Entity 3 mail Entity	1906	180	1806				ion Disclosure Stmt		
FOR FED FEE FEE FOR Department	8021	40	8021	40	Recording s	sach patent	assignment per		
1202 18 2202 5 Cleims in excess of 20	1809	-		[	mark .		of properties) of final rejection		
1201 BG 2201 43 Independent claims in excess of 3	Inde	770	2809	(	37 CFR 1.1	129(e))			
1203 290 2203 145 Multiple dependent claim, if not paid	1810		2810	385	examined (3	killional Invi 17CFR 1,12	9(b))		
1204 86 1204 43 ** Refaule Independent claims over original patent	1801		2801				Examination (RCE)		
1205 18 1205 9 Reissue claims in oxcess of 20 and over originst patent	1802 900 1902 900 Request for expedited examination of a dealgn application								
SUBTOTAL (2) (5) 323,00 Tor number p eviously paid, if greater, For Relsauss, see above	*Raduced by Basic Filing Fee Peld SUBTOTAL (3) (\$) 0.00								
UBMITTED B (		_==				(Complete	(if applicable))	<del></del>	
Vamo (Print/Ture) James J. Mrillen, III. Ph.D.	Registrat		44,9	57			(858) 720-7940		
ignature //2lle =7	(Attornsy/Agent) 44,531					Date	May 4, 2004		

Duplicate Copy For Fee Processing

sd-197550

I hereby certify that this correspondence is being transmitted via facsimite to the attention of Examin or D. Blanchard with the U.S. Patent and Trademark Office, Group Art Unit 164:, at fax number (571) 273-0827, on the date shown below.

Dated: 5/4/,14 Signature: (Grad Will

OFFICIAL

Docket No.: 511582006200

(PATENT)

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 1642

Examiner: D. Blanchard

In re Patent A oplication of: Pia M. CHAL LITA-EID et al.

Application No.: 10/005,480

WHI 4 2 4

Filed: Novemper 7, 2001

For: NUCLEIC ACID AND CORRESPONDING PROTE N ENTITLED 161P2F10B USEFUL IN

TREAT MENT AND DETECTION OF

CANCE R.

NEW AR ALPE

paranter

## PRELIMINARY AMENDMENT

Examiner D. Manchard
Group Art Un t 1642
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

#### INTRODUCTORY COMMENTS

Prior to examination on the merits, Applicants respectfully request entry on this Preliminary Amendment for the above-captioned patent application.

An endments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

sd-195224